

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-15 are presently active in this application; Claims 14 and 15 having been amended by the present Amendment.

In the outstanding Office Action Claim 14 was rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,678,250 to Grabelsky et al.; Claim 15 was rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,765,864 to Natarajan et al.; and Claims 1-13 were allowed.

Applicants acknowledge with appreciation the allowance of Claims 1-13.

In response to the outstanding grounds for rejection, Claims 14 and 15 have been made to clarify the claimed invention in accordance with U.S. Claim drafting practice. No new matter has been added.

In addition, Claim 14 has been amended to clarify that the claimed subject matter of Claim 14 is directed to a SONET/SDH node. In contrast, the apparatus disclosed in Grabelsky et al. is a gateway-router. In light of this distinction, Applicants consider that Claim 14 patentably defines over the cited Grabelsky et al. reference.

On the other hand, Claim 15 is directed to the fifth and sixth embodiments disclosed at pages 38-43 in Applicants' specification. To that end, amended Claim 15 also is directed to structure of a SONET/SDH node and recites that each of SONET/SDH node includes:

performance data generating means for measuring individual data items about [[the]] monitoring items defined for a plurality of objects to be measured according to a specific schedule and, on the basis of the result of the measurement, creating performance data;

notifying means for notifying the performance data created by the performance data generating means to said supervisory control device; and

timing setting means for setting [[the]] a timing for the notifying means to notify performance data for each piece of performance data according to the configuration information about its own device.

Accordingly, the SONET/SDH node recited in Claim 15 creates performance data for respective high-speed interface and respective low-speed interface, at a predetermined period (for example, every 15 minutes). The created data is reported from the node to the supervisory control device. In the prior art, a huge amount of performance data was simultaneously reported from the SONET/SDH node to the supervisory control device at a predetermined period. This brought about a problem of concentration of traffic, which possibly caused lack of reception of the performance data by the supervisory control device.<sup>1</sup>

In contrast, in the SONET/SDH node recited in Claim 15, there is provided "timing setting means for setting a timing for the notifying means to notify performance data for each piece of performance data according to the configuration information about its own device," whereby the timing of notifying the performance data is randomized, which can prevent concentration of traffic. Meanwhile, the timing of notifying the performance data is determined arbitrarily by the SONET/SDH node recited in Claim 15. That is, the SONET/SDH node recited in Claim 15 does not determine the timing of notifying the performance data under control by the supervisory control device.

Recapitulating, the SONET/SDH node recited in Claim 15 includes the noted "timing setting means" for setting the timing for the recited notifying means to notify performance data for each piece of performance data according to the configuration information about its own device. Thus, the control function for controlling the timing of notifying the performance data is provided at the SONET/SDH node itself. In contrast, in the network element described in Natarajan et al., a similar timing control means is not provided at the

---

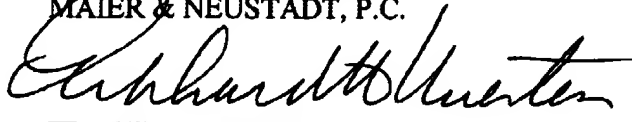
<sup>1</sup> See the Specification, at page 42, lines 14-25.

element itself. Therefore, it is Applicants' view that Claim 15 patentably distinguishes over  
Natarajan et al.

Accordingly, no further issues are believed to be outstanding, and the present  
application is believed to be in condition for formal allowance. An early and favorable action  
to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 06/04)

I:\ATTY\EHK\AMEND-RESPONSES\0039\2035\203518US-AM1.DOC

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-15 are presently active in this application; Claims 14 and 15 having been amended by the present Amendment.

In the outstanding Office Action Claim 14 was rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,678,250 to Grabelsky et al.; Claim 15 was rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,765,864 to Natarajan et al.; and Claims 1-13 were allowed.

Applicants acknowledge with appreciation the allowance of Claims 1-13.

In response to the outstanding grounds for rejection, Claims 14 and 15 have been made to clarify the claimed invention in accordance with U.S. Claim drafting practice. No new matter has been added.

In addition, Claim 14 has been amended to clarify that the claimed subject matter of Claim 14 is directed to a SONET/SDH node. In contrast, the apparatus disclosed in Grabelsky et al. is a gateway-router. In light of this distinction, Applicants consider that Claim 14 patentably defines over the cited Grabelsky et al. reference.

On the other hand, Claim 15 is directed to the fifth and sixth embodiments disclosed at pages 38-43 in Applicants' specification. To that end, amended Claim 15 also is directed to structure of a SONET/SDH node and recites that each of SONET/SDH node includes:

performance data generating means for measuring individual data items about [[the]] monitoring items defined for a plurality of objects to be measured according to a specific schedule and, on the basis of the result of the measurement, creating performance data;

notifying means for notifying the performance data created by the performance data generating means to said supervisory control device; and

timing setting means for setting [[the]] a timing for the notifying means to notify performance data for each piece of performance data according to the configuration information about its own device.

Accordingly, the SONET/SDH node recited in Claim 15 creates performance data for respective high-speed interface and respective low-speed interface, at a predetermined period (for example, every 15 minutes). The created data is reported from the node to the supervisory control device. In the prior art, a huge amount of performance data was simultaneously reported from the SONET/SDH node to the supervisory control device at a predetermined period. This brought about a problem of concentration of traffic, which possibly caused lack of reception of the performance data by the supervisory control device.<sup>1</sup>

In contrast, in the SONET/SDH node recited in Claim 15, there is provided "timing setting means for setting a timing for the notifying means to notify performance data for each piece of performance data according to the configuration information about its own device," whereby the timing of notifying the performance data is randomized, which can prevent concentration of traffic. Meanwhile, the timing of notifying the performance data is determined arbitrarily by the SONET/SDH node recited in Claim 15. That is, the SONET/SDH node recited in Claim 15 does not determine the timing of notifying the performance data under control by the supervisory control device.

Recapitulating, the SONET/SDH node recited in Claim 15 includes the noted "timing setting means" for setting the timing for the recited notifying means to notify performance data for each piece of performance data according to the configuration information about its own device. Thus, the control function for controlling the timing of notifying the performance data is provided at the SONET/SDH node itself. In contrast, in the network element described in Natarajan et al., a similar timing control means is not provided at the

---

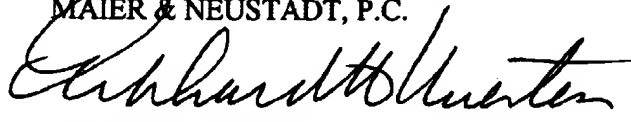
<sup>1</sup> See the Specification, at page 42, lines 14-25.

element itself. Therefore, it is Applicants' view that Claim 15 patentably distinguishes over  
Natarajan et al.

Accordingly, no further issues are believed to be outstanding, and the present  
application is believed to be in condition for formal allowance. An early and favorable action  
to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

\\ATTY\EHK\AMEND-RESPONSES\0039\203518US-AM1.DOC

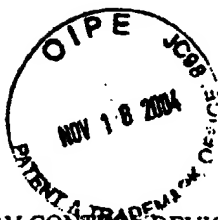
Docket No. 203518US2S

IN RE APPLICATION OF: Hidetoshi IWASAKI, et al.

SERIAL NO: 09/788,592

FILED: February 21, 2001

FOR: TRANSMISSION SYSTEM, SUPERVISORY CONTROL DEVICE, METHOD OF OUTPUTTING DATA IN THE SUPERVISORY CONTROL DEVICE, AND NODES FOR TRANSMITTING DATA IN THE TRANSMISSION SYSTEM



*Handwritten signature/initials*

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- ☐ Additional documents filed herewith:

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	17	MINUS	20	0	x \$18 =	\$0.00
INDEPENDENT	7	MINUS	7	0	x \$88 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$300 =	\$0.00
		TOTAL OF ABOVE CALCULATIONS				\$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
		TOTAL				\$0.00

- ☐ A check in the amount of \$0.00 is attached.
- ☐ Credit card payment form is attached to cover the fees in the amount of \$0.00
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*Handwritten signature of Eckhard H. Kuesters*

Eckhard H. Kuesters  
Registration No. 28,870

Customer Number

22850

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)